

REMARKS

This Response is submitted in reply to the Advisory Action dated September 16, 2005 and further in view of the Office Action dated June 25, 2005. Claims 1-13 are pending in the patent application. Claim 13 is added. No new matter has been added by the addition of Claim 13. The Advisory Action states that amendment made to Claims 1-12 in the Reply filed on August 25, 2005 do not place the claims in condition for allowance. The Advisory Action appears to reject the amended claims under 35 U.S.C. §103(a) as being unpatentable over Shteyn, U.S. Patent No. 6,199,136 in view of Tobias et al., U.S. Patent No. 5,530,859 ("Tobias"). At least for the reasons set forth below, Applicant believes that the rejections raised in the Office Action have been overcome and thus should be withdrawn.

Prompt and favorable action is respectfully solicited.

Claim 1 relates to a controlling apparatus for exchanging an information signal among a plurality of electronic devices through a network system. The controlling apparatus includes a time setting function determining part and a time information setting part. The time setting function determining part determines whether the plurality of electronic devices have a time setting function. The time information setting part sets each of the electronic devices determined as devices having the time setting function to time information obtained by a time information obtaining part.

Shteyn relates to a low bit-rate PC-based home network that is merged with a high bit-rate home network. The Office Action admits that Shteyn does not teach, disclose or suggest a time setting function determining part as described in Claim 1. However, the Advisory Action argues that the DCM is a function determining part for determining whether the plurality of electronic devices have a function and that Page 1, Line 14 to Page 2, Line 4 of the Specification of the Application teaches that some HAVi devices use a time compensating function and that others do not. The Office Action then declares that it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time setting function determining part for determining whether the plurality of electronic devices have a time setting function as described in Claim 1. Applicant disagrees for at least the following reasons.

Shteyn does not teach, suggest or disclose the time setting function as one of a device's registered capabilities. The Advisory Action seems to acknowledge this. Instead, Advisory

Action relies upon the Specification to teach this limitation. However, Page 1, Line 14 to Page 2, Line 4 of the Specification does not teach, suggest or disclose that a time setting function is a capability made known to an outside device. The Advisory Action does not point out any language of Page 1, Line 14 to Page 2, Line 4 of the Specification which states that a time setting function is a capability made know to an outside device. Instead, the Advisory Action concludes, "... the use of a time compensation function is a capability of a device that would be available to external devices since this capability affects how a device interacts with other device." However, none of the cited references teach or suggest that every internal capability that affects how a device interacts with other devices is made known to some other device.

The Advisory Action also seems to assume that because Page 1, Line 14 to Page 2, Line 4 of the Specification indicates that a problem exists (i.e., deviation of recorded pictures from reproduced picture) when one device has a time compensation capability and another does not, one of the two devices must be aware of the presence or lack of the time compensation capability of the other. That assumption is not correct. Page 1, Line 14 to Page 2, Line 4 of the Specification merely points out that the problem exists and that "time of [the digital VCR devices'] internal clocks should be compensated" to synchronize the recorded picture and the reproduced picture without stating that they can be compensated or, if they can be compensated, how they are compensated. It further states that it is "preferred to uniformly manage time of the internal clocks of the individual digital AV devices of a home network system", but it does not state how such uniform time management is accomplished, and knowledge of a time compensating function's presence or absence in a device is not necessary for all uniform time management systems.

Thus, the combination of Page 1, Line 14 to Page 2, Line 4 of the Specification and Shteyn, does nothing to suggest that the time compensating function is not purely an internally known and internally used function of a device having it. Since Shteyn combined with Page 1, Line 14 to Page 2, Line 4 of the Specification does not teach, suggest or disclose that presence or lack of the time compensating function is made known to any other device on the network, the combination cannot teach, suggest or disclose the time setting function determining part as described in Claim 1.

Tobias relates to synchronization of the timing of various multimedia events. Like Shteyn, Tobias does not teach, disclose or suggest the time setting function determining part as described in Claim 1. For at least that reason, Tobias also does not teach, disclose or suggest the time information setting part as described in Claim 1, because the electronic devices having the time setting function must be determined if the time information setting part is to set each of the electronic devices determined as devices having the time setting function by the time setting function determining part to time information obtained by a time information obtaining part.

For at least these reasons, Claim 1 and Claims 2-10 and 13, which depend from Claim 1, are each patentably distinguished over Shteyn in view of Tobias and are in condition for allowance. For similar reasons, Claims 11 and 12 are each patentably distinguished over Shteyn in view of Tobias and are in condition for allowance.

Claim 13 relates to a controlling apparatus for exchanging an information signal among a plurality of electronic devices through a network system. The controlling apparatus includes a time information obtaining part, which includes a clock accuracy determining part. The clock accuracy determining part is configured to determine an accuracy value of one or more clocks present in the network system. Further, the time information obtaining part obtains time information from a highest time accuracy clock, wherein the highest time accuracy clock has the best accuracy value of the accuracy values determined by the clock accuracy determining part.

None of the cited prior art, alone or in combination, teaches, suggest or discloses a clock accuracy determining part or a time information obtaining part that obtains time information from a highest time accuracy clock as described in Claim 13. For at least this reason, Claim 13 is patentably distinguished over Shteyn in view of Tobias and is in condition for allowance.

In light of the above, Applicants respectfully submit that Claims 1-13 are patentable over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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